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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,888	11/01/2000	Jerry Pettersson	459-497P	8795

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EXAMINER

USTARIS, JOSEPH G

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 12/18/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/702,888

Applicant(s)

PETTERSSON, JERRY

Examiner

Joseph G Ustaris

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13, 14, 16, 19, 20, 24-29, 31 and 38 is/are rejected.
- 7) ☒ Claim(s) 12, 15, 17, 18, 21-23, 30, 32-37, and 39-43 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "means for selecting between different sources" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. The office will assume that this claim is dependent off claim 6.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-11, 13, 16, 19, 20, 24-29, 31, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Begum (WO 91/14984) in view of Albukerk et al. (US005929848A).

Regarding claim 1, Begum discloses portable devices or "mobile receivers" that are provided to customers that are capable of receiving transmissions from a plurality of transmitters, which only transmit in certain areas of the store or "having a limited

transmission range" (See Fig. 3 and page 3 lines 2-27, page 13 lines 10-21). The transmitters transmit triggers that are related to the products on the shelves or "information...related to the locus in which the transmitter is placed" causing the portable device to display an advertisement about the products or "outputting the information" (See page 13 lines 10-21). Thus, the advertisements on the display of the portable device are information from the "transmitters available to the receiver". However, Begum lacks a feature where the portable devices select between the available transmitters.

Albukerk et al. discloses an interactive personal interpretive device or portable device and system that may be used in non-entertainment contexts, i.e. shopping malls (See column 8 lines 5-12). The personal interpretive device or "mobile receivers" allow users to select information about the exhibit or product that is near the user on the provided touch screen (See Fig. 5C). When the user does make the selection on the screen, the personal interpretive device has already selected a transmitter based on the strongest signal or "a selection between the available transmitters" (See column 9 lines 24-40). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the portable devices disclosed by Begum to be able to select the strongest signal from the available transmitters, as taught by Albukerk et al., in order to ensure that the information received by the portable device is information about the products around the user's location.

Regarding claim 2, Begum discloses that the transmitters may use infrared, ultrasound, or radio transmissions (See Begum page 9 lines 8-11). Inherently, when

transmitting in either infrared or radio, at least one channel or wavelength or "one or more of a group of predetermined channels" would have to be defined in order to reduce interference from other sources or transmitters and to allow the portable device to distinguish one source from another. Furthermore, the portable device disclosed by Begum in view of Albukerk et al. continuously scans and displays information from the "transmitters available to the receivers" (See Albukerk et al. column 9 lines 24-40).

Regarding claim 3, Begum discloses that the transmitters may use infrared, ultrasound, or radio transmissions (See Begum page 9 lines 8-11). Inherently, when infrared or radio transmissions are used, at least one channel would be defined by frequency, amplitude, or wavelengths.

Regarding claim 4, the portable device displays advertisements or "visual information" on the display (See Begum Fig. 3). The advertisements have a "minimum resolution" that supports text and the advertisements are transferred to the portable device through the transmitters, therefore having adequate bandwidth (See Begum page 5 lines 13-25).

Regarding claim 6, the screen display of the portable device disclosed by Begum in view of Albukerk et al. give the users "different sources of information" (See Albukerk et al. Fig. 5C) which can be received from one transmitter and stored in memory as shown by Begum (See Begum page 9 lines 1-15).

Regarding claim 7, the selected sources of information discussed in claim 6 are retrieved from memory, thus not requiring transmission by the portable device (See Begum page 9 lines 5-10).

Regarding claim 8, the selected sources of information discussed in claim 6 are selected from the screens or "displays" of the portable devices (See Albuquerk et al. Fig. 5C).

Regarding claims 9 and 10, the range of the transmitters are limited to the store or "building" or shelf or "room" they are located in (See Begum page 3 lines 10-25 and Albuquerk et al. Fig. 1).

Regarding claim 11, the portable device selects the transmitter that is closest to the portable device's location or "positioning and/or direction of the receiver" (See Begum page 13 lines 20-35).

Regarding claim 13, the display of the portable devices may be touch screens as shown by Albuquerk et al. (See column 11 lines 20-25).

Regarding claim 16, the transmitters transmit triggers for advertisements or "information relating to offers or products" related to the products that are near the transmitters (See Begum page 13 lines 25-30).

Regarding claim 19, the information may provide "different parts of information" which is displayed on the touch screen by an icon or "relating to an image to be presented on a screen...of a receiver" (See Albuquerk et al. Fig. 5B and 5C). By hitting on one of the icons would cause a second menu or "second information" to appear (See Albuquerk et al. column 13 lines 25-45).

Claim 20 contains the limitations of claims 13 and 19 and is analyzed as previously discussed with respect to those claims. Furthermore, when the user makes a selection, the user would activate the icon by touching the area of the screen, which

lays over the icon or "predetermined areas of the touch screen..." (See Albukerk et al. Fig. 5B and column 11 lines 20-25). The second menu or "second information" offers users more active icons to allow the user to specify which information they would like to view or "second information...being decisive in determining...the activated areas which other parts to select." (See Albukerk et al. Fig. 5C and column 13 lines 25-45).

Claim 24 contains the limitations of claims 1, 6, 19, and 20 and is analyzed as previously discussed with respect to those claims.

Claim 25 contains the limitations of claims 2 and 24 and is analyzed as previously discussed with respect to those claims.

Claim 26 contains the limitations of claims 3 (wherein the portable device or "receiver" would receive the transmissions from the transmitters) and 25 and is analyzed as previously discussed with respect to those claims.

Claim 27 contains the limitations of claims 13, 19, 20, and 24 and is analyzed as previously discussed with respect to those claims.

Claim 28 contains the limitations of claims 6 and 24 and is analyzed as previously discussed with respect to those claims.

Claim 29 contains the limitations of claims 7 and 28 and is analyzed as previously discussed with respect to those claims.

Claim 31 contains the limitations of claims 11 and 24 and is analyzed as previously discussed with respect to those claims.

Regarding claim 38, the portable device disclosed by Begum in view of Albukerk et al. utilizes a memory and a storage device or "additional storing means" to store the

information it receives (See Albuquerk et al. Fig. 2 element 205 and 209 and column 11 lines 5-20).

Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Begum (WO 91/14984) in view of Albuquerk et al. (US005929848A) as applied to claims 1-4, 6-11, 13, 16, 19, 20, 24-29, 31, and 38 above, and further in view of Tracy et al. (US005979757A).

Regarding claim 5, Begum in view of Albuquerk et al. lacks a feature where the transmission bandwidth is adequate enough for a video signal.

Tracy et al. discloses a portable shopping system where the portable terminal or portable device is capable of receiving video and/or audio messages or video commercials through the wireless communications network, therefore the wireless communications bandwidth is adequate enough for video applications (See column 4 lines 20-35). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the portable device and transmitters disclosed by Begum in view of Albuquerk et al. to provide an adequate bandwidth to allow transmission of video, as taught by Tracy et al., in order to enhance the shopping experience for the shoppers and to provide more detailed information about the products or retail store.

Claim 14 contains the limitations of claims 1 and 5 and is analyzed as previously discussed with respect to those claims.

Allowable Subject Matter

3. Claims 12, 15, 17, 18, 21-23, 30, 32-37, and 39-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 12 and 32, the prior art of record fails to show or fairly suggest a method or system where the portable device chooses the transmitter based on a pointing means.

Regarding claim 15, the prior art of record fails to show or fairly suggest a method or system where the transmitters transmit non-local information by providers who have leased part of the bandwidth.

Regarding claims 17, 18, and 33, the prior art of record fails to show or fairly suggest a method or system where the portable devices transmit information to the transmitters.

Regarding claims 21-23, 34, and 35, the prior art of record fails to show or fairly suggest a method or system where if a predetermined part of information is selected, a video would be shown.

Regarding claim 30, the prior art of record fails to show or fairly suggest a method or system where the portable devices are able to select from different sources/channels of information.

Regarding claims 36 and 37, the prior art of record fails to show or fairly suggest a method or system where the portable devices are able to divide the information into

different parts and store the different parts in different predetermined parts of the storing means.

Regarding claim 39-43, the prior art of record fails to show or fairly suggest a method or system where the transmitters are able to identify different parts of the information to be transmitted.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of Bandera et al. (US006332127B1) for his similar method of providing advertisements that are associated to the local area the user is currently in.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Ustaris whose telephone number is (703) 305-0377. The examiner can normally be reached on Monday-Friday with alternate Fridays off from 7:30 A.M. to 5:00 P.M.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 305-4700.

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Art Unit: 2611

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JGU
December 10, 2003


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